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Racism, racial discrimination, xenophobia and related forms of intolerance, follow-up to and implementation of the Durban Declaration and Programme of Action

Report of the Working Group of Experts on People of African Descent on its fifteenth and sixteenth sessions

Addendum

Mission to the Netherlands and Curaçao: comments by the State on the report of the Working Group*

* Reproduced as received.

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I. Introduction

1. The government of the Kingdom of the Netherlands welcomes this opportunity to respond to the report of the Working Group of Experts on People of African Descent, following their visit to the Netherlands and Curaçao in June/July 2014.

2. The Netherlands is home to over 190 different nationalities, living mostly in its many cities. We are a highly diverse society with migrants from Africa, Asia, the Caribbean and from other parts of the European Union and other parts of the world. Turkish and Moroccan immigrants mostly originate from the 'guest workers' who arrived in the 1960s and 1970s. Surinamese and Dutch Caribbean immigrants in the Netherlands mostly moved to the European part of the Kingdom because of their link to the Kingdom. Suriname was part of the Kingdom until 1975. Aruba, Curaçao and St. Maarten are autonomous countries of the Kingdom (Aruba since 1986, and Curaçao and St. Maarten since 2010). Bonaire, St. Eustatius and Saba are special municipalities of the Netherlands.

3. Curaçao's population is also highly diversified, with people from over 100 nationalities residing there. Curaçao's population has been affected by an influx of immigrants. There is an Afro-Caribbean majority, but there are also sizeable minorities of Dutch, Latin American, French, South Asian, East Asian, Portuguese, Jewish, and Levantine people. Although the local population is classified as Afro-Caribbean, in many cases, the population of Curaçao consists of people of mixed-race, particularly due to the number of immigrants.

4. In the Kingdom of the Netherlands, spread out across two regions, and with so many different nationalities living together, integration is crucial. In a free and integrated society every individual is able to be themselves, has a sense of belonging and has the capacity to participate.

5. For this reason the Dutch government works hard to combat discrimination. It does so in collaboration with the business community, civil society organisations and individuals, as discrimination is a shared concern and imposes a shared responsibility. Antidiscrimination policy in the Netherlands is a generic policy and does not, in the first instance, target particular groups. If however research or signals from society indicate that a specific strategy is required for a certain group, the government responds accordingly, in line with the broad antidiscrimination approach. The government is in constant dialogue with the public in order to identify signals emanating from various sections of the population. In the framework of the UN's International Decade for People of African Descent specific attention will be paid to dialogue with civil society organisations and active members of the public with regard to the specific problems facing people of African descent. Activities organised as part of the UN Decade will complement generic measures aiming to promote inclusion and a sense of belonging.

6. The government would like to highlight some of the recent additional policy measures that were initiated before and after the visit of the Working Group to Curaçao and the Netherlands in June/July 2014. Since 2010 a National Action Plan has been in place, encompassing different activities and policy instruments to counter racial discrimination. It is currently being revised. A new National Action Plan will be presented to Parliament in the autumn of 2015. The new National Action Plan aims to introduce more effective instruments to prevent and combat all forms of discrimination. It will complement the existing Action Plan to combat discrimination on the labour market.

7. The Dutch government is pleased that the Working Group acknowledged a recent positive turning point: Dutch society is now prepared to engage openly about racism and racial discrimination affecting its populations of African descent. In September 2015 the

government will launch a long-term, broad-based publicity campaign emphasising that no form of discrimination will be tolerated. The campaign will address different forms of discrimination, including racial discrimination. In addition, a guide will be published giving an accessible overview of organisations to which individuals can turn if they suffer discrimination.

8. The policy measures in the 2010 Action Plan against discrimination and these recent developments demonstrate the urgency that the government feels in addressing the issue of discrimination as a whole and racial discrimination in particular.

9. Our responses in some of the areas covered in the Working Group report are set out below.

II. Data Collection

10. The Dutch government is pleased to note that the Working Group welcomes the proactive approach that the Government has taken to the collection of disaggregated data, including by ethnicity. The Dutch government attaches great importance to a good information system and therefore regularly invests in upgrading that system.

11. With regard to the fact that data collection is not based on the principle of self-identification, the Dutch government would point out that according to research, self-identification is biased and therefore an inadequate operationalisation of ethnic belonging. Because it is considered to be a legally sensitive, self-identification may not be used for the purpose of registration in administrative data sources. However, self-identification is allowed in surveys and is frequently used as an additional indicator of ethnic and racial belonging in discrimination research. For example the periodically survey of the integration of migrants conducted by the Netherlands Institute for Social Research contains self-identification questions and questions on perceived discrimination.

12. To be able to follow the participation of older and newer groups in society it is important to record whether an individual is a first or second generation immigrant and whether he or she is of Western or non-Western origin. Without this information, no sound conclusions can be drawn on the degree of integration or appropriate policy solutions found where there is a problem. One important policy principle is that disadvantaged groups must be enabled to catch up with the rest of the population. This type of data allows the government to see if progress is being made in this respect. In addition, it offers an insight into where generic policy is failing and specific policy is required. The necessary information is drawn from the Municipal Personal Records Database (GBA), which contains objective data on the population that government organisations need to carry out their tasks. People's country of birth and their status as first or second generation immigrants are registered. The privacy of the individual and the security of this information are protected under the Municipal Database (Personal Records) Act and the Personal Data Protection Act.

13. In 2014, the Ministry of Social Development, Labor and Wellbeing in Curaçao conducted research on immigrants and the socio-economic divides that exist among immigrants in Curaçao.

14. The Central Bureau of Statistics of Curaçao is also in the process of carrying out a survey on discrimination in Curaçao.

III. Equality and non-discrimination

15. Everyone living and residing in the Kingdom of the Netherlands is protected by law from discrimination. The ban on discrimination is enshrined in article 1 of the Dutch Constitution and Article 3 of Curaçao's Constitution.

16. The Dutch and Curaçaoan governments both strongly rejects every form of discrimination on the grounds of race, religion, belief, sex, sexual orientation, or on any other grounds whatsoever. Discrimination is at odds with the notion of citizenship: it creates obstacles to people's involvement in society and makes it difficult for them to take take part and invest in their community.

17. Like the Netherlands, Curaçao has an Ombudsman who is responsible for handling issues like discrimination, among others, that arise in the public sector.

18. Discrimination is a social problem that occupies a prominent position on the government's political agenda. Negative stereotypes and prejudice breed discrimination of all kinds, including on the grounds of skin colour. As a result, combating prejudice and building tolerance are often part of a broad approach that targets every individual in the Netherlands, for example via a broad publicity campaign and in education. To combat discrimination the whole of society must be involved: individuals, businesses, civil society organisations and the authorities. The Dutch infrastructure in this area, including bodies like the antidiscrimination services and the Equal Treatment Commission, is accessible to everyone and is equipped to deal with discrimination on any grounds.

19. The Dutch government rejects every form of discrimination in equal measure. Since 2011 the Netherlands has shifted from an ethnic-oriented antidiscrimination policy to one which is problem-oriented. This policy is in principle a generic one because the government seeks to establish services that will help anyone who suffers unequal treatment or discrimination. Its approach is to tackle problem areas (themes or circumstances) like discrimination on the labour market or the internet, rather than shaping specific policies on the basis of the particular ethnic group that might be suffering discrimination in these areas.

20. If research or signals from society show that a specific approach is needed, the Dutch government responds appropriately, but in line with the broad policy. One example is the focus on discrimination against Muslims, anti-Semitism and discrimination based on skin colour. The latter form is currently receiving extra attention through the UN's International Decade for People of African Descent.

A. Employment and Poverty

21. The report states that while there has been an improvement in the position of people of African descent on the labour market in the Netherlands, discrimination against them in the area of access to employment remains a concern. The government has launched an action plan containing 24 measures to tackle discrimination in the labour market, all of which are currently being implemented. The report specifically mentions discrimination by employment agencies. The government believes it is important for the recruitment industry to tackle discrimination itself and would draw attention to some of the measures the industry is already taking. Both the Federation of Private Employment Agencies (ABU) and the Dutch Association of Placement and Temporary Employment Agencies (NBBU) have investigated discrimination in the sector and both will carry out another investigation (probably in 2015).

22. The entry into force on 1 July 2015 of the Sham Employment Arrangements Act has made it possible to publish data collected by the Social Affairs and Employment

Inspectorate. These include information relating to enterprises which break the rules, for instance by discriminating.

23. Since April 2015, the ILO Convention on Maritime Labor (186) is also in force in Curaçao. This protects the rights of seafarers (from the Netherlands or internationally) against (racial) discrimination when they are aboard at sea on Curaçaoan vessels.

24. In February 2014, the Government of Curaçao set up the National Tripartite Dialogue, Diálogo Nashonal pa un Kòrsou Avansá, with the mission of bringing together leaders in the public sector, private sector and civil society (working unions for example), to discuss issues that are important for Curaçao. The setting up of such a group, with an aim towards helping with the development of Curacao, and working on topics such as but not limited to (racial) discrimination in the workplace, allowed Curaçao to ratify the ILO Convention concerning tripartite consultations to promote the implementation of international labour standards.

B. Education and awareness-raising

25. The report states that according to information received, pupils from ethnic minority groups are disproportionately referred to special education, partly because of behavioural and psychological problems. The Dutch government wishes to point out that special education is not intended for particular population groups but for pupils with specific educational needs. If pupils of African descent have such needs, this type of education will be offered to them. Indeed, extra funding is available for special education, to ensure that these pupils get the best possible schooling.

26. Regarding the working group's concerns about the absence of human rights education within the national curriculum, the government would observe that one of education's most important tasks is to teach children how a democracy governed by the rule of law functions and about the core values underlying that system. In addition, schools are required to help their pupils become good citizens. The core curriculum, embodied in the attainment targets, includes a focus on human rights. Attainment target 47 for the lower years in secondary education reads: 'Pupils learn to place current tensions and conflict in the world in their context and in the process come to understand the effect they have on individuals and societies (national, European and international); they learn about the interdependent nature of the world, the importance of human rights and the significance of international cooperation.' The State Secretary for Education, Culture and Science (OCW) has commissioned the Netherlands Institute for Curriculum Development (SLO) to develop support materials for schools working on their citizenship modules, which include a human rights component. Furthermore, the State Secretary is leading a public debate on the course compulsory education should take in order for it to be sufficiently future-oriented. The debate is being organised by the Education 2032 Platform. This will ultimately lead to a redrafting of the curriculum. Citizenship is a key element in the debate. Human rights organisations and NGOs can also take part in the discussions and express their ideas and wishes. The platform is expected to issue its recommendations at the end of 2015. The State Secretary will then consider the position of citizenship skills in the curriculum as part of his response.

27. Regarding teaching on the history of transatlantic slave trade in the curriculum of compulsory primary and secondary education in the Netherlands, due attention is paid to important subjects like slavery (including the Dutch' involvement with human trafficking and forced labour in the so called New World from the 17th to 19th century), and the present-day multicultural society. With regard to the latter, pupils in lower secondary education are obliged to have a basic knowledge of history including slavery, plantation colonies and the rise of abolitionism (attainment target 37). The subjects "Slavery (circa

1637-1863), Human trafficking and forced labour in the New World") and "Diversity in the Netherlands (since 1945), the multicultural society" are part of the Canon of the Netherlands. The website www.entoen.nu presents outlines of the various themes in the Canon, and provides support and suggestions for teachers to address these in their lessons.[1] See for example these pages (which are in English, they are also available in other languages, including Dutch).

28. In the upper years, the subject of slavery and abolitionism is part of the mandatory history curriculum and the national examination. Pupils learn about the expansion of European dominance, predominantly in the form of plantation colonies and associated trans-Atlantic slave trading, and the rise of abolitionism. The subject is also often discussed by history teachers in the Dutch History Teachers Association (VGN) and its magazine Kleio. The magazine features regular blogs, model lessons and opinion-sharing on subjects that merit special attention in the classroom, such as slavery, the Holocaust and religion. With the aid of this professional dialogue, it is the responsibility of teachers to ensure that every subject in the curriculum is taught with respect and cultural sensitivity.

29. The canon of the Netherlands is presented to the public in the Netherlands Open Air Museum, where attention is paid to the Dutch slave-trading past. The Rijksmuseum Amsterdam, the National Maritime Museum, and the Zeeland Archives and the National Archive also have exhibitions and education material for schools on this subject.

30. In Curaçao, the public elementary education system offers possibilities to study in both Dutch and in Papiamentu. Secondary school curriculums are taught mostly in Dutch and are based on the Dutch system, and provide language courses in Papiamentu, English, Spanish and French. While teaching students in Papiamentu could be seen as an advantage, initially making education more accessible to the whole population (since Papiamentu is more widely spoken than Dutch), the fact that majority of the system is based on teaching in Dutch provides students with mobility, especially because higher education curriculums, both in Curaçao and abroad, are offered in either Dutch or English. Although the Government of Curaçao firmly believes in ensuring that everyone has the ability to learn Papiamentu if they so wish, there is a lack of learning resources in the language, thus making it difficult to provide students with a higher quality education, and limiting students from continuing to study at higher levels either in Curaçao, in the region, and abroad.

31. In order to make the public education system equally accessible to the whole population of Curaçao, including ethnic minorities and (il)legal immigrants, Curaçao provides financial support for families whose children could not go to school because of the financial burden linked to education. The programme, called Enseñanza Liber ensures that the high financial burden linked to going to school in Curaçao was mitigated, eliminating socio-economic barriers that could have prevented some parts of society from getting at least a basic education.

32. Additionally, the Kuminda Kayente programme ensures that students in certain neighbourhoods and whose families cannot afford to feed them are given warm meals and

[1] See for example, http://www.entoen.nu/en/main-lines (in particular line 8). The main lines of the canon are meant to serve as background texts to the fifty windows. They are the threads running through the history of the Netherlands that indicate the cross-links between the separate windows, thereby helping to create cohesion in the topics, objects, persons and themes of the canon. See http://www.entoen.nu/slavernij/en (on slavery) and http://www.entoen.nu/veelkleurignederland/en (on diversity and the multicultural society), all available in other languages. See too the educational website of Ninsee (National Institute for the Study of Dutch Slavery and its Legacy) at www.slavernijenjij.nl (in Dutch).

in some cases even breakfast, to ensure that malnutrition does not inhibit their learning process.

C. Administration of Justice

33. The Working Group remarked in its report that despite measures to raise public awareness of discrimination and to encourage victims to report offences, it feels there is still under-reporting and under-prosecution of discrimination. The Dutch government would like to stress that it fully recognises the importance of an appropriate response under the criminal law to offences committed with discriminatory motives. Tackling discrimination is a priority to the police. Since 1 May 2011 the Public Prosecution Service (OM) has demanded a heavier sentence (up to an increase of 100%) for offences with a discriminatory aspect or motive, thus implementing the recommendation of the European Commission against Racism and Intolerance to consider racist motives as an aggravating circumstance.

34. In addition, the Dutch Minister of Security and Justice has recently commissioned a study of discrimination cases at all stages of the criminal justice system. This will also provide insight into the nature and volume of discrimination cases coming before the courts. The results of the study are expected towards the end of 2015.

35. Since 2008 the Dutch regional police forces have registered incidents of a discriminatory nature. In 2013 they recorded 1313 incidents involving discrimination on the grounds of colour. In September 2015 a study will be published on the basis of figures from 2014, looking in more detail at this type of discrimination when directed against people of African descent.

36. Dutch municipalities have a local responsibility to put effective antidiscrimination policies in place and provide their citizens with access to an antidiscrimination service that can offer assistance to victims. Central government encourages and facilitates municipalities in performing these tasks but it is primarily the responsibility of local government and local representative bodies. The Minister of the Interior and Kingdom Relations has announced that he will commission a study in 2015 to obtain a clear view of the functioning of the Municipal Antidiscrimination Services Act in each municipality.

37. The national publicity campaign referred to in the introduction, which starts in September 2015, also aims to provide detailed information on where victims can report discrimination and will therefore generate more publicity for antidiscrimination services.

38. The report notes that the acts listed in the criminal law provisions against racism and racial discrimination are not prohibited on grounds of citizenship and language. The government recognises the importance of defining discrimination on the grounds of citizenship or language as a criminal offence. The current legislation in fact provides for this. One of the grounds listed in the anti-discrimination provisions of the Criminal Code (articles 137c-137g) is 'race'. According to the Netherlands Institute of Human Rights (SIM), any distinction made on the basis of language can amount to indirect discrimination on the basis of race. In accordance with the UN Convention on the Elimination of All Forms of Racial Discrimination, the ground 'race' embraces characteristics of a physical, ethnic, geographical, cultural, historical or religious nature. This has been confirmed by settled case law of the Supreme Court (see for example the Supreme Court ruling of 13 June 2000, *Nederlandse Jurisprudentie* 2000, 513). This includes discrimination against a person on grounds of descent, as well as language and citizenship where these are markers of descent. The government therefore believes that there is no need to add citizenship and language as separate grounds for discrimination to the provisions of the Criminal Code.

39. The Dutch police – in cooperation with various partners – continually seek to combat discrimination. Preventing ethnic profiling by the police is crucial to the force's effectiveness and legitimacy.

40. Police training is an important instrument in safeguarding the quality of the Dutch police organisation and its officers. In the generic police education and via training sessions in the regional units, attention is devoted to preventing discrimination, ethnic profiling and prejudice. Multicultural craftsmanship is a standard element of every officer's education. One example of the many regional study sessions and training courses is the course on selection mechanisms run by the North Holland unit. It consists of a workshop ('Brown eyes - blue eyes') that divides the trainees into groups to allow them to discover and experience the impact of exclusion. The Public Prosecution Service has set up the National Discrimination Expertise Centre to optimise criminal enforcement in cases of discrimination. Training in the fields of discrimination and hate crime is also offered to the police, public prosecutors and judges.

41. No evidence of systematic ethnic profiling in the Netherlands has been found in the research. In the great majority of situations, actions taken by the police can be justified on the grounds of specific behaviour, information or the circumstances of the case. Nevertheless, bearing in mind the perceptions of young adults, there is reason for the police to focus more on liaison work and community relations, and the way they approach members of the public.

42. The further measures announced in 2014 on preventing ethnic profiling are evolving. They have the attention of police management and senior officers. Steps are being taken to increase awareness through education and training. Community relations meetings are being organised. An amended complaints procedure, guaranteeing the independence of the complaints committee, entered into effect on 1 December 2014. Meetings between the police and relevant interest groups, including Amnesty International, the Caribbean Dutch Consultative Body (OCAN) and the Partnership of Moroccan Communities in the Netherlands (SMN), are continuing.

43. The Dutch police have also developed a new vision and diversity policy framework entitled 'The power of diversity'. Efforts are currently being made to attract more recruits with a dual cultural background.

44. In addition, the national Dutch police are working hard to improve the procedure for reporting offences. The aim is to ensure that crime can be reported anywhere, at any time and in different ways, and that victims receive good feedback. The educational level of intake and service staff is being reviewed. In the near future, members of the public will be able to follow the progress of their complaints. A complaint of discrimination must always be recorded and the registration system will be further improved.

45. The national detention centre in Curaçao, *Sentro di Detenshon i Korekshon Kòrsou*, has not yet reached its capacity. However, to avoid violence and confrontation between inmates, members of rival gangs and nationalities are generally held in pockets of the prison, far away from one another. Although this mitigates the possibility of conflict, this leads to pockets of over-crowded cell areas. In addition, the Government of Curaçao has been developing capacity building projects to overcome social barriers and gang violence in the detention centre in Curaçao. Prison management is also working to optimize the rehabilitation processes.

D. Multiple discrimination

46. The Working Group states that it has received information about the continued practice of detaining unaccompanied children and families with children upon their arrival

and urges the Dutch government to revise its policy in light of the International Convention for the Rights of the Child. The information received by the Working Group does not accurately reflect policy and practice in the Netherlands.

47. Families with minor children arriving at the external Schengen border who do not comply with the formal grounds for entry into the Netherlands and ask for asylum will be screened by the border police and the immigration service. The screening looks specifically at any grounds for refusing entry, which include doubt as to the family relationship, suspicion of child smuggling and human trafficking, and signs of a breach of public policy. If the outcome is that there are no demonstrable grounds for refusing entry, the family will be placed in a regular open reception centre. If such grounds are present, entry will be refused. Depending on the outcome of the screening, the family will then be placed in a secure family accommodation centre or, if for example child smuggling is suspected, the alleged parent will be placed in border detention and the child under temporary guardianship. Border screening came into force for families with minor children in September 2014. To date, the results of screening have been positive. In the period from September 2014 to May 2015, all families that underwent screening met the criteria and were placed in the regular asylum procedure. If families with children under the age of 18 arrive at an external border and ask for asylum, they are transferred to an alternative, open form of shelter where they can stay during and after the asylum procedure. Unaccompanied minors are not subject to border screening.

48. In Curaçao, various legislation has been created to address issues of (racial) discrimination, particularly with regards to women and children. In accordance with ILO Convention no 183, the maternity leave period was extended by national law. Additionally, the National Committee on Child Abuse and Domestic Violence was established in October 2013.

49. *Onderzoek Migratie en Immigratie Curaçao*, a survey-based research project on migrant women and children, started in 2013, focusing on determining the impact of migrants on Curaçaoan society.

50. In Curaçao, live-in domestic workers immigrating to Curaçao are emphasized with regards to labour laws: minimum wage regulations, vacation regulations, maternity leave and paid leave are all specified in this law.

IV. Racism and xenophobia

51. As explained in the 'Integration, Social Cohesion and Citizenship' policy document, the dynamic processes of change inherent in our society call for a flexible dialogue enabling the Dutch government to identify signals emanating from the various sections of the population. The dialogue must enhance the required expertise on specific problems and their background, and contribute to regular policy and to resolving any problem areas within that policy, as well as to successful interventions and methods. In view of this, the government believes that the authorities must remain in active contact with society on themes such as discrimination, racism and social stability, but also on issues like language acquisition and parental involvement in their children's education. Given the variety of issues, the dialogue is flexible, allowing different groups to be invited depending on the topic.

52. This autumn the Dutch government is launching a long-term, broad publicity campaign that will emphasise that no form of discrimination will be tolerated. Another aim is to encourage victims to report offences, so a guide will simultaneously be published on the website discriminatie.nl giving an accessible overview of organisations to which

individuals can report discrimination. The campaign will first target discrimination in general, and later focus specifically on issues such as race or labour market discrimination.

E. Racism in the media, on the internet and in sports

53. The Dutch government shares the Working Group's concerns regarding increasing intolerance in social media and on the internet. The way in which people make discriminatory remarks and incite hatred or violence motivated by discrimination on social media is alarming. Events elsewhere in the world contribute to intolerance, fear and prejudice based on origin. This stands in the way of a society in which all individuals are free to be themselves, without fear.

54. Since 1 January 2013 members of the public can report statements or images discriminating against groups on the internet discrimination hotline (MiND) at http://www.mindnederland.nl, an initiative of the Ministry of Security and Justice and the Ministry of Social Affairs and Employment. MiND has an efficient system of processing reports and contacts the Public Prosecution Service directly when reports give grounds for a criminal complaint. In 2014 MiND received over 22% more reports (305) than in 2013. Most discriminatory statements (137) were made on social media, the majority on Facebook and Twitter. Partly for this reason, MiND set up an online campaign on Facebook to encourage people to report online discrimination. MiND is making every effort to step up its communication activities, directed principally at generating reports from victims themselves. Because of the enormous importance of social media to young people, the Minister of Social Affairs and Employment has organised an expert meeting in the second half of 2015 on the use of social media and ways to reduce intolerance and discrimination by young people on social media. Various media parties and internet providers will also be invited to the meeting.

55. The Ministry of Health, Welfare and Sport asked the sports federations and the NOC*NSF (Dutch Olympic Committee*Dutch Sports Federation) to develop an action plan entitled 'Towards a safe and secure sporting environment'. The action plan will run until the end of 2016. The plan encourages positive behaviour and aims to tackle undesirable behaviour on and around the playing field so that everyone can engage safely in their preferred sport. Antiracism and antidiscrimination are an integral part of this approach.

F. Racism in cultural events

56. The celebration of Sinterklaas is an old Dutch tradition shaped by Dutch society itself. Everyone can participate in this celebration and this celebration is intended for everyone. The tradition has always changed and evolved, and will continue to do so. The Dutch government acknowledges the pain felt on both sides of the debate: by those who celebrate Sinterklaas with joy and by those who are offended by the figure of Black Pete. Dutch society as a whole has a responsibility to make Sinterklaas a celebration for everyone. The Dutch government is therefore promoting and facilitating an ongoing dialogue between all parties involved in the public debate regarding Black Pete's image. The Minister of Social Affairs and Employment facilitates round table sessions for this purpose. The Dutch government shares the view of the Netherlands Institute for Human Rights that a ban on Black Pete is not an appropriate solution, but that the government plays a role in enhancing and facilitating a respectful national dialogue leading to initiatives by society to change Black Pete into a figure acceptable to all.

57. In addition, the Netherlands Institute for Human Rights has given an opinion on the discriminating aspects of the celebration of Sinterklaas in schools. The Institute emphasised

the responsibility of school boards to create a discrimination-free learning environment. Schools have a duty to remove the discriminatory elements associated with this tradition in the future. The government endorses the importance attached by the Institute to a continuing dialogue between parents, staff and other people involved on ways to celebrate the feast of Sinterklaas and about Black Pete's role in those celebrations.

58. The Netherlands ratified the UNESCO Convention for the Safeguarding of Intangible Cultural Heritage in 2012. The tradition of the Sinterklaas celebrations was added to the National Inventory of Intangible Cultural Heritage by the Dutch Centre for Intangible Cultural Heritage (VIE) on 15 January 2015 on the nomination of *the Sint en Pietengilde*.

59. The VIE is responsible for coordinating the national inventory of intangible heritage and is part of the Netherlands Open Air Museum in Arnhem, which is funded by the government. Together with the museum, the VIE is tasked with developing a centre of excellence for intangible heritage. One of the obligations imposed by the UNESCO Convention on the Safeguarding of Intangible Cultural Heritage is to draw up one or more inventories of the intangible cultural heritage present in the territory of the State Party. These inventories are to be regularly updated. The government facilitates the development of the national inventory, but does not decide which traditions will be included. It merely sets the criteria with which the inventory must comply, for instance cultural diversity and accessibility for communities. The Netherlands has opted for this bottom-up procedure in line with the UNESCO Convention.

60. Prior to the nomination of the tradition of the Sinterklaas Festival for the national inventory, the VIE held talks with various groups in society on the different views regarding the role of Black Pete in the Sinterklaas festival. It then commissioned a study which explored the different views of opponents and supporters. The National Inventory provides an opportunity to address the problems relating to Black Pete. The nomination action plan as drawn up by the *Sint en Pietengilde* states that a respectful dialogue will take place between supporters and opponents and that changes will gradually be made in the way the tradition is celebrated. The UNESCO Convention established a number of international lists for which member states can submit nominations. The function of these lists is different from that of the national inventory. The Dutch government itself has no intention of nominating Sinterklaas for any of the international UNESCO lists.

61. The abolition of slavery is commemorated every year on 1 July. The Ministry of OCW attaches great value to supporting the commemoration of this part of Dutch history. It has therefore allocated long-term funding to ensure that the annual ceremony can continue to take place.

62. An increasing number of studies and books are being published about the Netherlands' slavery history. A good example is *Quaco, a life in slavery*, a book in comic-strip format intended for secondary school pupils, which was recently presented to the Minister of OCW.

63. In Curaçao, the celebration of Sinterklaas also takes place. Nevertheless, despite the multi-ethnic society, the national dialogue about the figure of Black Pete did not take off in Curaçao as it did in the Netherlands. The reasons for this are still unclear, however local anthropologists suggest that the lack of interest in this discussion does not stem from ignorance or the internalization of discrimination. From its beginnings, Curaçao has always been a multicultural society. People take the tradition for what it is, as they do with other religious and ethnic traditions and celebrations. Needless to say, in some cases the figure of Black Pete were painted different colors.

G. Decennium

64. On 23 December 2013 UN Resolution 68/237 proclaiming an International Decade for People of African Descent was adopted. The decade runs from 1 January 2015 to 31 December 2024 and calls on member states to take action against racism, racial discrimination, xenophobia and related intolerance (based on race, colour, or national or ethnic origin), so that the fundamental rights and freedoms of people of African descent can be safeguarded and protected. As part of its activities during the decade, the government intends to step up measures to tackle racism in the Netherlands.

65. The national approach to the decade will be shaped in close cooperation with the relevant ministries, municipalities, civil society organisations and individuals active in this area. An analysis of the problems encountered by people of African descent will form the basis for the activities, which will supplement generic measures aiming to promote inclusion and a sense of belonging. All activities will be in line with current principles of antidiscrimination policy and will be included in the review of the interministerial antidiscrimination action plan promised to the House of Representatives in the autumn. The main priority will be to achieve sustainable results.

66. In line with UNDPAD, Curaçao will endeavor to raise awareness among the public and government officials alike on the International Decade for People of African Descent along the central theme of: recognition, justice and development.

V. Conclusion

67. **The Government of the Kingdom of the Netherlands attaches great importance to its dialogue with the United Nations on human rights issues through its various mechanisms and works closely with the different human rights treaty bodies. In this context, in July 2013 it submitted the regular CERD reports, due to be discussed on 18 and 19 August 2015. There is an overlap in the issues raised by the Working Group and the concluding observations of the Committee on the Elimination of Racial Discrimination in 2010. The topics mentioned in this report will therefore also be touched upon during this discussion.**

68. **The government thanks the members of the Working Group for this valuable report and looks forward to continuing its dialogue with CERD and other UN bodies in the years to come.**